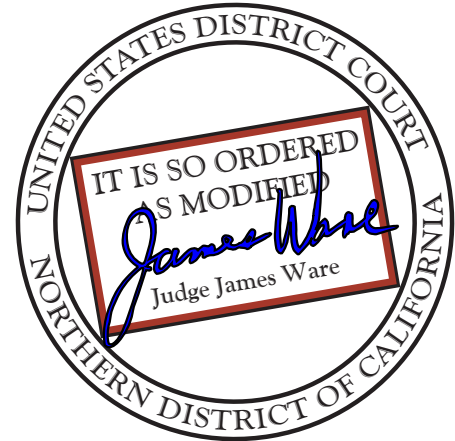


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18 PRINCIPAL LIFE INSURANCE CO. and
19 TARGET CORPORATION



20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN JOSE DIVISION

23 DON BORG,

24 Plaintiff,

25 v.

26 PRINCIPAL LIFE INSURANCE CO.,
27 TARGET CORPORATION, and DOES 1
28 through 20, inclusive,

Defendants.

Case No. C-07-03149-JW

[Hon. James Ware]

**STIPULATED REQUEST AND
[PROPOSED] ORDER CHANGING
DATE OF INITIAL CASE
MANAGEMENT CONFERENCE,
AND OTHER DATES**

Currently Set For: December 3, 2007

Time: 10:00 a.m.

Location: Courtroom 8

1 Pursuant to Northern District Local Rules 7-12 and 16-2(d), plaintiff Don Borg and
2 defendants Principal Life Insurance Co. ("Principal Life") and Target Corporation ("Target")
3 (collectively, "Defendants"), through their counsel, submit the following stipulated request
4 regarding the scheduling of the case management conference:

5 **WHEREAS**, plaintiff commenced the above-captioned action by filing his Complaint on
6 or about June 15, 2007.

7 **WHEREAS**, on July 16, 2007, Defendants filed with this Court a motion for an order
8 enlarging the time to respond to Plaintiff's Complaint, until August 16, 2007;

9 **WHEREAS**, this Court granted Defendants' motion to enlarge time on July 19, 2007;

10 **WHEREAS**, Defendants filed a Motion to Dismiss on August 16, 2007;

11 **WHEREAS**, plaintiff filed a Memorandum of Points and Authorities in Opposition to
12 Defendants' Motion to Dismiss on September 12, 2007;

13 **WHEREAS**, the hearing on Defendants' Motion to Dismiss was scheduled for October 2,
14 2007 at 10 a.m.;

15 **WHEREAS**, on June 14, 2007 the Court scheduled an initial Case Management
16 Conference for Tuesday, September 18, 2007 and various other deadlines calculated therefrom;

17 **WHEREAS**, the parties entered into a joint stipulation, which was approved by the Court
18 on September 10, 2007, deferring the CMC until after the hearing on the Motion to Dismiss, in
19 order to conserve the parties' and the Court's time and resources;

20 **WHEREAS**, Plaintiff declined to proceed before Magistrate Judge Howard R. Lloyd and
21 requested reassignment to a District Court Judge on September 12, 2007;

22 **WHEREAS**, this Court rescheduled the hearing on Defendant's Motion to Dismiss to
23 December 3, 2007;

24 **WHEREAS**, this Court also scheduled the initial Case Management Conference for
25 Monday, December 3, 2007 and set various other deadlines calculated therefrom;

26 **WHEREAS**, if this Court were to grant Defendants' motion, this action would no longer
27 be pending before this Court;

28

1 **WHEREAS**, the parties continue to desire to defer the initial Case Management
2 Conference, and the other events governed by the Court's Scheduling Order, pending the
3 resolution of Defendants' motion; and

4 **WHEREAS**, continuing the case management conference until after defendants' motion
5 is resolved could conserve the parties' and the Court's time and resources;

6 **IT IS HEREBY STIPULATED AND AGREED**, by and between the parties and subject
7 to the approval of the Court, that:

8 **(1) The Case Management Conference presently scheduled for December 3, 2007 is**
9 **VACATED. The Court will set a new conference date in its Order addressing Defendants'**
10 **Motion to Dismiss.**

11 **(2) The Court's September 17, 2007 Order did not set any deadline that requires**
12 **extension. The Order was simply a Clerk's Notice rescheduling the hearing and the**
13 **conference.**

14 Dated: November 9, 2007

ANGELA L. PADILLA
EVA K. SCHUELLER
MORRISON & FOERSTER LLP

15
16 By: /s/ Angela L. Padilla [e-filing signature]
Angela L. Padilla

17 Attorneys for Defendants
18 TARGET CORPORATION and
19 PRINCIPAL LIFE INSURANCE CO.

20 Dated: November 9, 2007

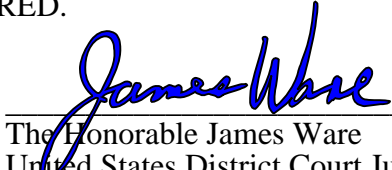
STANLEY G. HILTON
LAW OFFICES OF STANLEY G. HILTON

21
22
23 By: /s/ Stanley G. Hilton [e-filing signature]
Stanley G. Hilton

24 Attorney for Plaintiff
25 DON BORG
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 13, 2007


The Honorable James Ware
United States District Court Judge

1 I, Angela L. Padilla, am the ECF User whose ID and password are being used to file this
2 Stipulation. In compliance with General Order 45, X.B., I hereby attest that Stanley G. Hilton has
3 concurred in this filing.

4 By: /s/ Angela L. Padilla [e-filing signature]
5 Angela L. Padilla
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